

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

TIMOTHY LINEHAN, on behalf of
Plaintiff and a class,

Plaintiff,

v.

ALLIANCEONE RECEIVABLES
MANAGEMENT, INC.,

Defendant.

CASE NO. C15-1012-JCC

ORDER

This matter comes before the Court on Plaintiff Alexandra Hewardt Anderson's motion to dismiss (Dkt. No. 284). Anderson seeks a dismissal without prejudice of her Washington Consumer Protection Act (WCPA) claim against Defendants Audit & Adjustment Company, Inc. and Kimberlee Walker Olsen. (*Id.* at 1.)

Typically, a "plaintiff's motion to dismiss a single claim of a multi-count complaint is properly treated as a motion to amend under Fed. R. Civ. P. 15." *Gronholz v. Sears, Roebuck & Co.*, 836 F.2d 515, 517 (9th Cir. 1987). Here, however, the pleading amendment deadline passed a month before Anderson filed her motion. (*See* Dkt. Nos. 122, 284.) Thus, Anderson's "ability to amend h[er] complaint [i]s governed by Rule 16(b), not Rule 15(a)." *See Johnson v. Mammoth Recreations, Inc.*, 975 F.2d 604, 608 (9th Cir. 1992). Under the Rule 16(b) standard, Anderson must show "good cause" to modify the case schedule. *See* Fed. R. Civ. P. 16(b)(4).

1 Anderson argues that good cause exists here because, in light of the Court's denial of
2 class certification, she determined that the amount of money at issue for her WCPA claim does
3 not justify the resources that would be expended. (Dkt. No. 294 at 2.) Anderson further asserts
4 that removing her WCPA claim will be more efficient for the parties and the Court. (*Id.*) Given
5 this efficiency, as well as Anderson's relatively late joinder, the Court finds good cause to excuse
6 her untimely filing.

7 Accordingly, Anderson's motion to dismiss (Dkt. No. 284) is GRANTED. Anderson's
8 claim is dismissed without prejudice.

9 DATED this 13th day of February 2017.

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A handwritten signature in black ink, reading "John C. Coughenour", is written over a horizontal line.

John C. Coughenour
UNITED STATES DISTRICT JUDGE